

4
REISSUE LITIGATION
DOCKET NO. 65278

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For Reissue of Patent No. 5,667,291

Applicants: Caplan et al.

Serial No.: 09/287,436

Filed: April 22, 1999

Title: ILLUMINATION ASSEMBLY
FOR DENTAL AND MEDICAL
APPLICATIONS

Group Art Unit: 2875

Examiner:

ASSENT OF ASSIGNEE TO REISSUE

SURGICAL ACUITY, INC. the assignee of the entire title and interest in United States Patent No. 5,667,291 hereby assents to the filing of the above-captioned application for reissue of said U.S. Patent No. 5,667,291.

SURGICAL ACUITY, INC.

Dated: Sept. 9, 1999

By:

Brian L. Wilt

Title: Vice President of Operations
Surgical Acuity, Inc.

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: Charles H. Caplan
Fredrick N. Bushroe

Application No.: 08/447,357 Filed: May 23, 1995

For: Illumination Assembly for Dental and Medical
Applications

U.S. Patent No.: 5,667,291
Issue Date: September 16, 1997

Surgical Acuity, Inc., a Delaware Corporation
(Name of Assignee) (Type of Assignee)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application identified above.

OR

B. ☒ A chain of title from the inventor(s), of the patent application identified above, to Surgical Acuity, Inc. is shown below:

1. From: Charles H. Caplan and Fredrick N. Bushroe
To: Orasoptic Research, Inc.

The document was recorded in the Patent and Trademark Office at Reel 7564, Frame 0178.

2. From: Orasoptic Research, Inc.
To: Surgical Acuity, Inc.

The document was recorded in the Patent and Trademark Office at Reel 8238, Frame 0665.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

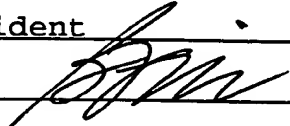
☐ Copies of assignments or other documents in the chain of title are attached.

Attorney Docket No. 65696

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 3/29/99
Name: Brian Wilt
Title: Vice President
Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For Reissue of Patent No. 5,667,291

Applicants: CHARLES H. CAPLAN and
FREDERICK N. BUSHROE

Filed: April 22, 1999

Serial No.: 09/287,436

For: ILLUMINATION ASSEMBLY FOR DENTAL AND
MEDICAL APPLICATION

Group Art Unit: 2875

Examiner:



VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 C.F.R. §§1.9(f)
and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- () the owner of the small business concern identified below:
(X) an official of the small business concern empowered to act on
behalf of the concern identified below:

NAME OF CONCERN SURGICAL ACUITY, INC.ADDRESS OF CONCERN 5225 Verona Road, Building 3
Madison, Wisconsin 53711

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 C.F.R. §1.9(d) and in 13 C.F.R. Part 121 to be eligible for reduced patent fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons, and that the concern has not assigned, granted, conveyed or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under 13 C.F.R. §121.802. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Illumination Assembly For Dental And Medical Applications by inventor(s) Charles H. Caplan and Frederick N. Bushroe described in:

- () the specification filed herewith.
 (X) application number 09/287,436, filed April 7, 1999.
 () Patent No. _____, issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. §1.27)

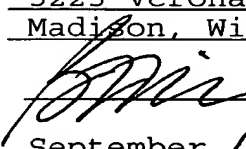
Full Name _____
 Address _____
 () Individual () Small Business Concern () Nonprofit Organization

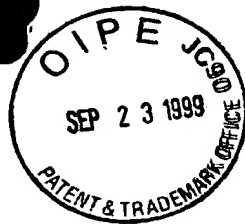
Full Name _____
 Address _____
 () Individual () Small Business Concern () Nonprofit Organization

Full Name _____
 Address _____
 () Individual () Small Business Concern () Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING	<u>BRIAN WILT</u>
TITLE OF PERSON IF OTHER THAN OWNER	<u>VICE PRESIDENT OF OPERATIONS</u>
ADDRESS OF PERSON SIGNING	<u>5225 Verona Road, Building 3</u> <u>Madison, Wisconsin 53711</u>
SIGNATURE	
DATE <u>9/16/99</u>	<u>September 16, 1999</u>



3

REISSUE LITIGATION
Attorney Docket
No.65278

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For Reissue of Patent No. 5,667,291

Applicants: Charles H. Caplan and
Frederick N. Bushroe

Reissue of
Patent No.: 5,667,291

Issued: September 16, 1997

Title: ILLUMINATION ASSEMBLY FOR
DENTAL AND MEDICAL APPLICATIONS

Serial No.: 09/287,436

Filed: April 22, 1999

Examiner:

REISSUE DECLARATION

We, Charles H. Caplan and Frederick N. Bushroe,
citizens of the United States of America, declare that:

1. Our residence, post office address and
citizenship are as stated below next to our names.

2. On information and belief, the entire title to
U.S. Letters Patent No. 5,667,291, entitled, "Illumination
Assembly for Dental and Medical Applications," which issued
September 16, 1997, is vested in SURGICAL ACUITY, INC.

3. We verily believe that we are the original,
first and joint inventors of the subject matter described in
U.S. Letters Patent No. 5,667,291 granted on September 16,
1997 and in the above-identified specification, including the
claims, which was filed by an authorized person on our behalf
on April 22, 1999 as Application Serial No. 09/287,436 and for
which a reissue patent is sought.

4. We hereby state that we have reviewed and understand the contents of the above-identified specification including the claims being added by this reissue application.

5. We acknowledge our duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37, Code of Federal Regulations.

6. We believe the original patent to be wholly or partly inoperative or invalid, by reason of the patentees claiming more or less than patentees had the right to claim in the patent. More specifically, we believe that the original claims 1-20 are too narrow or imprecise in the following respects:

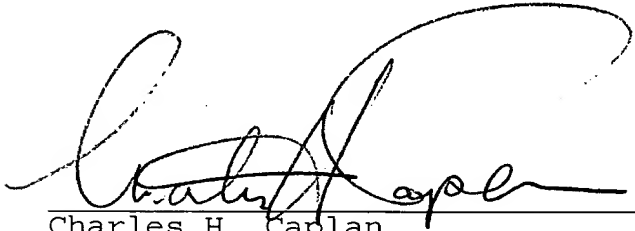
- (a) Original claims 1-20 are directed to an illumination assembly that includes a light guide, a housing, an aspheric lens, and an attachment means, but claims should have been added that are directed to an illumination assembly that includes a light guide and a housing and that does not require an aspheric lens or an attachment means;
- (b) Original claim 1 calls for an illumination assembly that includes "an aspheric lens," but claims should have been added that more particularly define the invention to expressly claim "only a single lens."

7. All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on our part.

8. We also declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the

knowledge that willful false statements on the lake so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

9. A Power of Attorney was filed previously in U.S. Patent No.5,667,291 and a copy of that Power is enclosed.



Charles H. Caplan
5210 Hedden Circle
Middleton, Wisconsin 53562

Date: Sept. 12, 1999

Date: _____

Frederick N. Bushroe
2742 E. Devon Street
Tuscon, Arizona 85716

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Caplan, et al.

Application No.: 08/447,357

Filed: May 23, 1995

For: ILLUMINATION ASSEMBLY
FOR DENTAL AND MEDICAL
APPLICATIONS

Patent No.: 5,667,291

Issue Date: September 16, 1997

CERTIFICATE OF MAILING

I hereby certify that this paper to be deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this date.

3/31/99 John S. Paniagua
Date Registration No. 31,051
Attorney for Applicant(s)

POWER OF ATTORNEY BY ASSIGNEE

Commissioner of Patents and Trademarks
ATTENTION: Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

Revoking any and all powers of attorney and authorizations of agent heretofore made in respect to this application, the Assignee of this application hereby appoints the following as its attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and requests that all correspondence in respect to this application be directed to FITCH, EVEN, TABIN & FLANNERY, Suite 1600, 120 South LaSalle Street, Chicago, Illinois 60603-3406, Telephone Number (312) 577-7000, Facsimile Number (312) 577-7007:

<u>Registered Practitioner</u>	<u>Registration Number</u>	<u>Registered Practitioner</u>	<u>Registration Number</u>
Morgan L. Fitch, Jr.	17,023	Mark W. Hetzler	38,183
Francis A. Even	16,880	Timothy P. Maloney	38,233
Julius Tabin	16,754	Thomas F. Lebens	38,221
John F. Flannery	19,759	Donald A. Peterson	18,647
Robert B. Jones	20,135	James R. McBride	24,275
James J. Schumann	20,856	Bruce R. Mansfield	29,086
James J. Hamill	19,958	Mark A. Hamill	37,145
Timothy E. Levstik	30,192	Perry J. Hoffman	37,150
Joseph E. Shipley	31,137	James P. Krueger	35,234
Robert J. Fox	27,635	Steven S. Favakeh	36,798
Kenneth H. Samples	25,747	Jay A. Saltzman	38,293
Philip T. Petti	31,651		
John S. Paniaguas	31,051		
Richard A. Kaba	30,562		
Karl R. Fink	34,161		

(Signature)

Brian Wilt

(Printed Name)

Vice President

(Title)